

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WEEDS, INC., a Pennsylvania Corporation,)	
)	
Plaintiff,)	
)	
-VS-)	
)	Civil Action No. 02-288
WEEDS NO MORE, INC., a Pennsylvania)	
corporation, THOMAS STEWART, III a/k/a)	
THOMAS STEWART, SR., THOMAS STEWART IV,)	
a/k/a THOMAS STEWART, JR., JOHN STONE, and)	
JO ANNE GOLDEN, adult individuals,)	
individually and jointly,)	
)	
Defendants.)	

AMBROSE, Chief District Judge.

MEMORANDUM OPINION

Pending before the Court is Plaintiff's Motion to Enforce Consent Judgment and For Award of Sanctions. (Docket No. 218). Plaintiff has filed a Response thereto. (Docket No. 221). On March 3, 2006, I held a telephone conference regarding the same. Thereafter, Plaintiff filed a Petition for Attorneys Fees. (Docket No. 225). Defendants responded thereto. (Docket No. 226).

THEREFORE, this **14th** day of March, 2006, based on the above, it is ordered that Plaintiff's Motion (Docket No. 218) is granted, as follows:

1. Defendants' trucks that have not been repainted to date, may not be used or driven on the road (except to the painting facility) by Defendant until they are repainted. All of Defendant's trucks must be repainted within 10 days of the date of this order.
2. Defendants are to immediately cease the distribution of any business card that does not contain the disclaimer.

Any and all business cards used in the future must contain the disclaimer.

3. Defendants are to immediately cease the distribution of certificates of insurance without the use of the disclaimer. Any and all certificates of insurance must contain the disclaimer.

4. All of Defendants' literature/documentation must contain the disclaimer.

5. The two year no hit list is restarted as of February 6, 2006.

It is further ordered that Plaintiff's Petition for Attorneys Fees (Docket No. 225) is denied for the following reasons:

1. Defendants were not in violation of a court order. This case resolved upon a settlement agreement between the parties. As such, attorneys fees are not warranted.

2. The violations of the settlement agreement were not numerous or so egregious or outrageous to warrant attorneys fees.

It is also ordered that Plaintiff's request for a compliance hearing for sometime in the future is denied.

BY THE COURT:

/S/ Donetta W. Ambrose

Donetta W. Ambrose,
Chief U. S. District Judge